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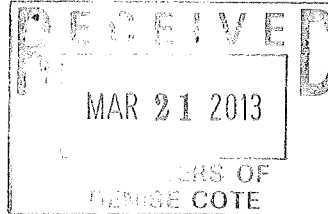
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March 21, 2013

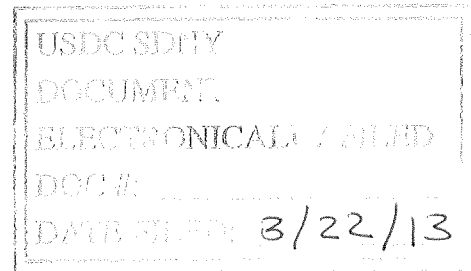


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MEMO ENDORSED

Honorable Denise L. Cote
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312



Re: *Eastman Kodak Co. v. Ricoh Co., Ltd.*, 1:12-cv-03109-DLC-GWG (S.D.N.Y.)

Dear Judge Cote:

I am writing on behalf of Ricoh Company, Ltd. ("Ricoh") to reply to Eastman Kodak Company's ("Kodak's") letter of March 19, 2013 responding to Ricoh's letter motion of March 13, 2013 to compel Kodak to produce documents sufficient to show whether its other licensees in its Digital Still Camera licensing program paid royalties to Kodak on sales of DSLR (Digital Single Lens Reflex) cameras. This reply is submitted to clarify the relief sought by Ricoh and why the relief sought is not satisfied by Kodak's promise to produce royalty reports from four companies.

As Ricoh pointed out in its March 13 letter, royalty reports alone may not be sufficient to determine if royalties are being paid on DSLR's. An example of a form of royalty report ("Royalty Statement") required by Kodak is found in the Kodak-Nikon DSLR agreement attached to Ricoh's March 19 Letter (see Ex. 3, KOD-RIC002722-2723). A similar form Royalty Statement is an attachment to the Kodak-Nikon Digital Still Camera License. The only difference between the operative Royalty Report sections of the two is the royalty rates. The form shows that Kodak did not require licensees to report Units, Net Sales and Royalty Payment by camera model or camera type. Accordingly, it is possible that the royalty reports, on their own, will not provide any relevant information. But, if there are royalty reports which provide information sufficient to determine whether any products on which a licensee paid royalties under a Digital Still Camera license agreement were DSLR's then only those royalty reports or relevant portions thereof need be produced. The financial information described above can be redacted. If the royalty reports are not specific, but Kodak has other documentary evidence to show that licensees paid royalties on DSLR cameras under a Digital Still Camera Agreement, then those are the documents Ricoh seeks. And if Kodak

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has no documents sufficient to show that any of its Digital Still Camera licensees paid royalties on DSLR cameras, it can simply so state that it has conducted a reasonable search and found no responsive documents.

In sum, the documents that Ricoh seeks are more focused and more meaningful than all royalty reports, and less invasive of third party confidential information which Kodak purports to request. Finally, Kodak admits that its promise of production is limited to the four companies which Dr. Shih recalled as having made DSLR camera. Kodak is in the best position to know which of its licensees sold DSLR cameras. If a licensee did not make DSLR cameras, then there is nothing for Kodak to search for or produce.

Prior to filing this reply, I had additional e-mail communication with Kodak's counsel clarifying the relief sought by Ricoh on this motion, and explaining why it was consistent with the communications the parties had before the motion was filed. I advised Kodak that Ricoh would be filing this reply and asked Kodak to let Ricoh know by this morning if Kodak would now agree to the relief sought. Kodak responded this morning. Kodak continues to oppose Ricoh's motion, and has asked that Ricoh submit the attached letter from Kodak with its reply.

Ricoh respectfully requests that its motion be granted.

Respectfully submitted,



Patricia A. Martone

Enclosure

cc: All Counsel of Record

*Kodak shall produce documents
sufficient to show whether the
4 companies paid royalties to
Kodak on sales of DSLR
cameras. Financial information
on the documents may be
redacted. If no such
documents exist, Kodak
shall so state.*

*Denise Cote
3/22/13*